

10 WAIVER OF INDICTMENT / FILING OF INFORMATION AND
11 PLEA AS TO COUNTS 1, 2 AND 3 OF THE INFORMATION
12 BEFORE SENIOR DISTRICT JUDGE GLEN H. DAVIDSON
THURSDAY, AUGUST 25, 2016; 2:00 P.M.
13 OXFORD, MISSISSIPPI

13 FOR THE GOVERNMENT:

17 FOR THE DEFENDANT:

18 Farese, Farese & Farese
 TONY FARESE, ESQ.
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24 FEDERAL OFFICIAL COURT REPORTER
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25 OXFORD, MISSISSIPPI 38655

1 (CALL TO ORDER OF THE COURT)

2 THE COURT: Do you need any time, Mr. Farese?

3 MR. FARESE: No, sir. We're good.

4 (Pause)

5 THE COURT: Okay. The Court next calls Cause No.

6 1:16CR50, United States of America v. Lindsey S. Downs. The
7 record should reflect that Ms. Downs is in court with her
8 attorney, Mr. Anthony L. Farese. The Government is represented
9 in this proceeding by Assistant United States Attorney Robert
10 Mims. If we're ready to proceed, if you'll come stand before
11 the Court, please.

12 MR. FARESE: Yes, sir.

13 (PARTIES COMPLYING)

14 THE COURT: Now, this is a plea to an information, as
15 I understand it?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Ms. Downs, there are a number of
18 questions that I must ask you; and the first series of
19 questions will go to the fact that you're waiving indictment by
20 a grand jury and agreeing to plead to an information.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: You're real nervous, aren't you?

23 THE DEFENDANT: A little bit.

24 THE COURT: How old are you?

25 THE DEFENDANT: Twenty-three.

1 THE COURT: Well, it's a shame you're in the
2 predicament you're in. I tell you, if you'll raise your right
3 hand and be sworn, please, ma'am.

4 (OATH ADMINISTERED BY THE COURTROOM DEPUTY)

5 THE COURT: Give me your full name.

6 THE DEFENDANT: Lindsey Nicole Downs.

7 THE COURT: And your age?

8 THE DEFENDANT: Twenty-three.

9 THE COURT: How much education do you have?

10 THE DEFENDANT: I have an associate's from Northeast
11 Community College, and I've started on my bachelor's at Ole
12 Miss. I haven't gotten it yet, though.

13 THE COURT: How much time -- how many semester hours
14 do you have at Ole Miss?

15 THE DEFENDANT: I think I have one semester left; and
16 then I have to do my student teaching, a semester. And I was
17 going to have my bachelor's. I still had to pass my Praxis
18 too.

19 THE COURT: Do you have any employment experience?
20 Have you worked anywhere?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: While you were in school?

23 THE DEFENDANT: Yes, sir. I worked at Region IV
24 Mental Health Care for a year, and Shining Star Gymnastics and
25 Kroger, all at the same time, while I went to Northeast. And

1 I've worked --

2 THE COURT: Where were these stores; what town were
3 they located in?

4 THE DEFENDANT: Corinth, Mississippi.

5 THE COURT: Corinth?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Is that where you went to high school?

8 THE DEFENDANT: No. I went to high school at Walnut,
9 Mississippi. I worked at a grocery store there and a library
10 when I was in high school.

11 THE COURT: Library and the grocery store in Walnut.

12 And then you worked, also, at a grocery store in Corinth?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: For the life of me, I don't understand
15 why you're before me.

16 THE DEFENDANT: Bad decisions.

17 THE COURT: That's for sure. Yeah. It's a shame.

18 Have you been under the care of any doctor, psychiatrist, any
19 medical professional?

20 THE DEFENDANT: A nurse practitioner at the Tippah
21 County jail.

22 THE COURT: You're not presently under the influence
23 of any drug, medication, any substance that would affect your
24 ability to think and reason?

25 THE DEFENDANT: No, sir.

1 THE COURT: Okay. And Mr. Farese is your attorney?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Have you been furnished a copy of the
4 charges against you? Do you know what you're charged with?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Well, in this information, you're charged
7 with knowingly and intentionally possessing, with intent to
8 distribute, methamphetamine, a Schedule II controlled
9 substance.

10 And then possession of a firearm? Is that correct,
11 Mr. Mims?

12 MR. MIMS: Yes, sir.

13 THE COURT: Charged with possession of a firearm in
14 furtherance of the drug conspiracy charge. Do you understand
15 what you're charged with?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you understand that you have a
18 constitutional right to be charged by an indictment returned by
19 a grand jury, but you may waive that right and consent to being
20 charged by an information filed by the United States Attorney;
21 instead of an indictment, the felony charges brought against
22 you in this case are brought by the United States Attorney by
23 the filing of an information; that unless you waive indictment,
24 you may not be charged with a felony unless a grand jury finds,
25 by a return of an indictment, that there's possible -- probable

1 cause to believe that a crime was committed and that you
2 committed it?

3 If you do not waive indictment, the Government may present
4 your case to a grand jury and request that it indict you. A
5 grand jury is composed of at least 16 and not more than 23
6 persons. And, before you can be indicted, at least 12 of those
7 grand jurors must find that there's a probable cause to believe
8 that you committed the crime with which you've been charged.

9 The grand jury might or might not indict you. If you
10 waive indictment by the grand jury, the case will proceed
11 against you on the United States Attorney's information just as
12 though you had been indicted.

13 Now, Ms. Downs, I'm asking you, Have you discussed the
14 matter of waiving the indictment by a grand jury with your
15 attorney, Mr. Farese?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you understand your right to be
18 indicted by a grand jury?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Have any threats or promises been made to
21 you to induce you to waive indictment?

22 THE DEFENDANT: No, sir.

23 THE COURT: Is it your desire to waive indictment and
24 to proceed with this information?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Mr. Farese, do you know of any reason why
2 she should not waive indictment?

3 MR. FARESE: I do not, Your Honor.

4 THE COURT: Okay. If it's your desire to waive
5 indictment, Ms. Downs, let's have her execute the waiver of
6 indictment here in open court.

7 (Parties complying)

8 THE COURT: Okay. The waiver has been signed by the
9 defendant, by her attorney, Mr. Farese; and the Court has
10 approved the same. The information may be filed and made a
11 part of the record in this case, as will the waiver.

12 Now, let's see, Mr. Mims, is this a three-count
13 information?

14 MR. MIMS: Yes, sir.

15 THE COURT: Okay. Now, is it your desire, Ms. Downs,
16 to change the previously entered plea or -- well, not
17 previously entered plea. But it's your desire to plead guilty
18 to these charges?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Before accepting your plea, there are a
21 number of questions that I must ask you to assure that it is a
22 valid plea. If you do not understand any of the questions or,
23 if at any time, you wish to confer with your attorney,
24 Mr. Farese, please let me know; and I'll permit you to do so
25 since it is essential to a valid plea that you understand each

1 question before you answer. Now, you've previously been sworn.

2 Do you understand you're under oath?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you understand that, having been
5 sworn, your answers to my questions will be subject to the
6 penalties of perjury or making a false statement if you do not
7 answer truthfully?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: You told me you were 23.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And you just nearly have a college
12 degree, a bachelor's degree. You lack about one semester, and
13 you'll practice teaching; is that right?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And where do you presently live?

16 THE DEFENDANT: Tiplersville, Mississippi, with my
17 mother.

18 MR. FARESE: It's Brenda Downs, Your Honor, which is,
19 technically, her grandmother; but she knows her as her mother.
20 Ms. Brenda Downs has raised her. Her mother's alive in
21 Florida; but, actually, Brenda Downs has served in the mother
22 role in her life.

23 THE COURT: Okay. And where does your grandmother
24 live, now?

25 THE DEFENDANT: Tiplersville, Mississippi.

1 MR. FARESE: Yes, sir. In Tippah County there, right
2 outside of Walnut, between Walnut and Falkner.

3 THE COURT: Okay. And you went to high school in
4 Walnut.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And went to Northeast. And then you --
7 when you came over here at Ole Miss, did you live in Oxford on
8 campus?

9 THE DEFENDANT: No, sir. I drove back and forth.

10 THE COURT: Commuted?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay. Have you been able to confer with
13 Mr. Farese relative to these charges in this matter?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Now, I've asked you -- and you've told me
16 you're not under the influence of any drug, medicine, or
17 alcoholic beverage, any substance that would affect your
18 ability to think and reason today?

19 THE DEFENDANT: Right. Yes, sir.

20 THE COURT: Mr. Farese, and Mr. Mims, do you have any
21 reason, or any information, to doubt the competency of this
22 young lady to plead guilty?

23 MR. MIMS: No, sir, Your Honor.

24 MR. FARESE: I do not, Your Honor. I've had the
25 opportunity to meet with her numerous times. She's been housed

1 in Ripley, Mississippi, which is 15 miles from my office; and
2 I've had the opportunity to visit with her on a regular basis.
3 There is absolutely no doubt about her competency.

4 THE COURT: She been in jail in Ripley?

5 MR. FARESE: Yes, sir. She was initially over here,
6 and then taken to Mason -- did you go to Mason -- okay. Taken
7 to Ripley, Your Honor, and been housed over in Tippah County.

8 THE COURT: You've had ample opportunity to discuss
9 this matter with your attorney, Mr. Farese?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Are you satisfied with your attorney's
12 representation?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you understand that, under the
15 Constitution and the laws of the United States, you're entitled
16 to a trial by a jury on the charges contained in this
17 information?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you understand that, at a trial, you
20 would be presumed to be innocent; the Government would have the
21 burden of proof and would be required to prove you guilty by
22 competent evidence beyond a reasonable doubt before you could
23 be found guilty; and you would not have to prove that you were
24 innocent?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you understand that, in the course of
2 the trial, the witnesses for the Government would have to come
3 to court and testify in your presence; your attorney could
4 cross-examine the witnesses for the Government; could object to
5 evidence offered by the Government; and could offer evidence on
6 your behalf?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Do you understand that, at a trial, while
9 you would have the right to testify if you chose to do so, you
10 also would have the right not to testify and no inference or
11 suggestion of guilt could be drawn from the fact that you did
12 not testify?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: If you plead guilty and I accept your
15 plea, do you understand that you'll waive your right to a trial
16 and the other rights I have discussed with you?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: There will be no trial, and I will enter
19 a judgment of guilty and sentence you on the basis of your
20 guilty plea after considering a Presentence Report.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: If you plead guilty, do you understand
23 that you'll also have to waive your right not to incriminate
24 yourself since I may ask you questions about what you did in
25 order to satisfy myself that you're guilty as charged; and

1 you'll have to acknowledge your guilt?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Now, having discussed your rights with

4 you, do you still want to plead guilty?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And you've received a copy of the

7 information. You know what the charges are against you.

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Now, let's see. Okay. In Counts 1 and 2

10 of the information, you're charged with knowingly and

11 intentionally possessing, with intent to distribute,

12 methamphetamine.

13 Now, before you could be convicted in this court of

14 Counts 1 and 2, the Government would have to prove, by

15 competent evidence beyond a reasonable doubt, first, that you

16 knowingly possessed a controlled substance. Second, that the

17 substance was in fact methamphetamine; and, third, that you

18 possessed the substance with intent to distribute it. To

19 establish the elements of the offense charged in Count 3 of the

20 information -- let's see. Those are the three elements as to

21 Counts 1 and 2.

22 Now, to establish the elements in Count 3 of the

23 information, which charges that you did knowingly and

24 intentionally possess a firearm during, and in relation to, a

25 drug-trafficking crime, to wit, possession with intent to

1 distribute methamphetamine, a schedule II controlled narcotic
2 substance, the Government must prove, beyond a reasonable
3 doubt, first, that you committed the crime charged in Count 1;
4 and that you knowingly possessed a firearm in furtherance of
5 the commission of the crime charged in Count 1.

6 To prove that you possessed a firearm in furtherance of
7 the conspiracy, the Government must prove that you possessed a
8 firearm that furthers, advances, or helps forward the
9 drug-trafficking crime. Now, do you understand those elements
10 that the Government would have to prove?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Now, let's see. Mr. Farese, Mr. Mims,
13 you gentlemen follow me with this. I believe -- good gracious.
14 The maximum possible penalties in this case on Counts 1 and 2
15 would be a period of incarceration of not more than 20 years on
16 each one of those counts. So that would be no more than
17 40 years?

18 MR. FARESE: Yes, sir.

19 MR. MIMS: Yes, sir.

20 THE COURT: Count 3, a period of incarceration of not
21 less than 5 years and not more than life, which must be served
22 mandatory and consecutive to the sentence in Count 1 and 2; a
23 fine of not more than \$2 million, 250,000 -- is that --

24 MR. FARESE: That's correct, Your Honor.

25 THE COURT: A period of supervised release of not

1 more than 5 years. Right, Mr. Mims?

2 MR. MIMS: Yes, sir. Well, Your Honor, on Counts 1
3 and 2, I believe it would be at least 3 years' supervised
4 release; and, on Count 3, it would be --

5 THE COURT: Not more than five.

6 MR. MIMS: -- not more than 5 years.

7 THE COURT: Well, for the three counts, it'd be not
8 more than 5 years, wouldn't it? You don't stack supervised
9 release.

10 MR. TOLLISON: Likely not. I expect it would be
11 5 years supervised release would be the maximum you'd have.

12 THE COURT: Yeah. And a mandatory special assessment
13 of \$100 in each count, which would be a \$300 mandatory special
14 assessment. Do you understand those maximum possible
15 penalties?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Have you and Mr. Farese talked about how
18 the Sentencing Commission guidelines might apply to your case?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you understand that I will not be able
21 to determine the guideline sentence for your case until after
22 the Presentence Report has been completed, and you and the
23 Government have had an opportunity to challenge the facts
24 reported by the probation officer?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you also understand that, after it has
2 been determined what guideline applies to your case, that I
3 have the authority, in some circumstances, to impose a sentence
4 that is more severe or less severe than the sentence called for
5 by the guidelines?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Do you understand that, under some
8 circumstances, you or the Government may have the right to
9 appeal any sentence that I impose?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you understand that parole has been
12 abolished; and that, if you're sentenced to prison, you'll not
13 be released on parole?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Do you understand that if the sentence in
16 this case is more severe than you expected, you'll still be
17 bound by your plea; and you'll have no right to withdraw it?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Now, Mr. Mims, is there a recommended
20 sentence in this case?

21 MR. MIMS: Yes, sir, Your Honor, in a way. In
22 Paragraph 5 of the plea supplement -- well, it should be
23 Paragraph 4, but --

24 THE COURT: Let me follow you. Just a moment.

25 MR. MIMS: Yes, sir. It's on page 3 at the bottom.

1 THE COURT: Okay. Now, bring it to my attention,
2 Mr. Mims.

3 MR. MIMS: Your Honor, as you see at the bottom of
4 page 3 of the plea supplement, there's an 11(c)(1)(C) agreement
5 that the amount of methamphetamine attributable to the
6 defendant for sentencing guideline purposes is at least
7 200 grams but less than 350 grams of methamphetamine.

8 THE COURT: Okay. So you recommend that the -- in
9 computing the guidelines, that -- at least 200 grams but less
10 than 350 grams of methamphetamine. Should the Court not accept
11 this, the defendant will not be bound by the plea agreement and
12 will have a right to withdraw the plea agreement. Otherwise,
13 there is no agreement as to the sentence to be imposed, which
14 will be in the sole discretion of the Court.

15 Okay. You understand, Mr. Farese, and Ms. Downs, if the
16 Court does not accept this computation -- recommended
17 computation of the amount of methamphetamine, that you'll be
18 informed of that; and you'll be permitted to withdraw your
19 guilty plea and go to trial? You understand that?

20 THE DEFENDANT: Yes, sir.

21 MR. FARESE: Yes, sir, Your Honor.

22 THE COURT: Okay. Now, do all parties agree that the
23 terms of this plea agreement have been accurately stated here
24 in open court?

25 MR. MIMS: Your Honor, if I may, may I summarize the

1 plea agreement for the Court?

2 THE COURT: Yes. Yes. Okay. Yes. Sure.

3 MR. MIMS: Your Honor, the defendant agrees to plead

4 guilty under oath to Counts 1, 2, and 3 of the information.

5 Counts 1 and 2 charge the defendant with possession, with

6 intent to distribute, methamphetamine in violation of Title 21,

7 U.S. Code, Section 841(a)(1) and (b)(1)(C). Count 3 charges

8 the defendant with possession of a firearm during, and in

9 relation to, a drug-trafficking crime in violation of Title 18,

10 U.S. Code, Section 924(c)(1)(A).

11 And, Your Honor, I need to point out one error in the plea

12 agreement that we have corrected today by hand; and that is at

13 the top of page 2. The original plea agreement said that, as

14 to Count 3, the supervised release was a term of not more than

15 3 years. That is an error. It should be not more than

16 5 years.

17 It was stated correctly in the indictment, in the notice

18 of penalties. It also was stated correctly by the Court

19 earlier when reviewing the potential penalties. It was just an

20 error in the plea agreement. The parties have scratched

21 through the three and written a five, and we've all initialed

22 it on the original.

23 May I continue with the summary? The Government agrees

24 not to charge the defendant with any other offenses arising

25 from, or related to, the above charges. The agreement does not

1 bind any prosecuting authority of any state or any other
2 federal district. If the defendant violates this agreement,
3 all statements made pursuant hereto will be admissible against
4 the defendant.

5 Finally, apart from being advised of the applicability of
6 the sentencing guidelines, and other than as set forth
7 elsewhere in the plea documents, no promise has been made to
8 the defendant as to what punishment the Court might impose.

9 The defendant's agreement is knowing, free, and voluntary. The
10 defendant's pleading guilty because she is in fact guilty.

11 THE COURT: Okay. Now, do all parties agree that the
12 substance of the plea agreement has been accurately stated here
13 in open court?

14 MR. FARESE: Yes, sir, Your Honor.

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Ms. Downs, has anyone made any promise or
17 promises to you, other than contained in this plea agreement,
18 that have induced you to plead guilty?

19 THE DEFENDANT: No, sir.

20 THE COURT: Very well. The plea agreement, and the
21 supplement to the plea agreement, may be filed and made a part
22 of the record in this case. Now, other than this plea
23 agreement and the fact that Mr. Farese has discussed the
24 Sentencing Commission guidelines with you, has anyone made any
25 prediction, prophecy, or promise to you as to what your

1 sentence will be?

2 THE DEFENDANT: No, sir.

3 THE COURT: Okay. Now, at this time in the
4 proceeding, Ms. Downs, I'm going to call on Mr. Mims, the
5 prosecutor, to summarize what the evidence against you in this
6 case would be. When he's finished, I'm going to ask you if you
7 agree that you did what the Government contends you did; so
8 listen carefully.

9 Mr. Mims, if you would give the Court a factual basis,
10 please.

11 MR. MIMS: Should the present action go to trial, the
12 United States would prove, by eyewitness testimony, documentary
13 evidence, statements of the defendant, and expert testimony,
14 that on or about January 25, 2016, and on or about February 13,
15 2016, in the Northern District of Mississippi, Lindsey N.
16 Downs, defendant, did knowingly and intentionally possess, with
17 intent to distribute, methamphetamine, a Schedule II controlled
18 substance in violation of Title 21, U.S. Code, Sections
19 841(a)(1) and (b)(1)(C).

20 The Government would also prove, in a similar manner, that
21 on or about January 25, 2016, in the Northern District of
22 Mississippi, Lindsey N. Downs, defendant, did knowingly and
23 intentionally possess a firearm during, and in relation to, a
24 drug-trafficking crime, that is, possession with intent to
25 distribute methamphetamine, a Schedule II controlled substance

1 as charged in Count 1, all in violation of Title 18, U.S. Code,
2 Section 924(c)(1)(A).

3 Specifically, the Government would expect to prove that on
4 January 25, 2016, an officer on parole with the Saltillo,
5 Mississippi police department observed the defendant, Downs,
6 driving a vehicle approximately 20 miles per hour over the
7 posted speed limit.

8 The officer initiated his lights and sirens and attempted
9 to stop Downs. Downs, however, led the officer on a high-speed
10 pursuit well in excess of 100 miles per hour until she crashed
11 the vehicle she was driving into a ditch on the side of the
12 road. The officer approached the wrecked vehicle and found
13 Downs unconscious.

14 During the process of removing Downs from the wrecked
15 vehicle, the officer found a .380-caliber semiautomatic pistol
16 loaded with several rounds of ammunition strapped to a holster
17 on her person. The arresting officer also discovered
18 approximately 3 ounces of methamphetamine in the vehicle.

19 After she was arrested and taken to a hospital, Downs was
20 subsequently interviewed by law enforcement agents. She was
21 advised of her *Miranda* rights and warnings and made a knowing
22 and voluntary waiver of those rights and agreed to speak with
23 law enforcement.

24 Downs admitted to possessing the methamphetamine found in
25 the vehicle and told agents that she carried the firearm for

1 protection because she sells and distributes methamphetamine.
2 She also provided further cooperation concerning her
3 involvement in methamphetamine distribution in the Northern
4 District of Mississippi and elsewhere. Downs was later
5 released on bond from charges stemming from this arrest.

6 On or about February 13, 2016, the Government would expect
7 to prove that a trooper with the Mississippi Highway Patrol, on
8 duty in Tippah County, Mississippi, passed a vehicle traveling
9 east on U.S. 72 that failed to dim its bright headlights.

10 The trooper stopped the vehicle and advised the driver of
11 the reason for the stop. The driver acknowledged that his high
12 beams were on and his low beam headlights did not function
13 properly. The trooper identified Lindsey N. Downs as the
14 passenger in the vehicle.

15 During his interaction with the driver and Downs, the
16 trooper observed what he knew, from his training and
17 experience, to be a glass pipe used for smoking methamphetamine
18 in plain view inside the vehicle. Additionally, when Downs
19 produced her identification, the trooper observed small plastic
20 bags in her purse that he knew to be commonly used to package
21 methamphetamine.

22 He then instructed Downs and the driver to exit the
23 vehicle and, upon searching it, found a pink bag containing
24 approximately 5 ounces of methamphetamine, along with scales
25 and other drug paraphernalia belonging to Downs.

1 The Government would further prove that the substances
2 seized from Downs on or about January 25, 2016, and
3 February 13, 2016, were sent to the DEA laboratory for testing
4 and analysis and are, in fact, methamphetamine hydrochloride.

5 Furthermore, the 380-caliber semiautomatic pistol found on
6 Downs' person was examined by a special agent with the ATF and,
7 in fact, is a firearm as defined in Title 18 of the U.S. Code.

8 Finally, the Government would show that Lee and Tippah
9 Counties are located within the Northern District of
10 Mississippi for purposes of venue.

11 THE COURT: Okay.

12 Ms. Downs, do you agree with the prosecutor's summary of
13 what you did?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Mr. Farese?

16 MR. FARESE: Yes, sir.

17 THE COURT: Very well. The Court finds there is a
18 factual basis for this defendant to plead guilty. Now, I'm
19 going to ask you, Ms. Downs -- there are three counts in this
20 information. Counts 1 and 2 charge you with possession of
21 methamphetamine with the intent to distribute; and you've been
22 told the elements of those, Counts 1 and 2.

23 As to Counts 1 and 2 charging you with possession with
24 intent to distribute, and possess with intent to distribute,
25 methamphetamine, do you plead guilty or not guilty?

1 THE DEFENDANT: Guilty.

2 THE COURT: Very well. Counts 1 and 2, you've
3 entered a plea of guilty. Now, Count 3 charges you with
4 possession of a firearm during, and in relation to, a
5 drug-trafficking crime. As to that count, do you plead guilty
6 or not guilty?

7 THE DEFENDANT: Guilty.

8 THE COURT: Very well. Since you acknowledge that
9 you are in fact guilty of the three counts in this information,
10 you know what the maximum possible punishment is, you're aware
11 that parole has been abolished, you know that the Court is
12 going to look to the guidelines in assessing an appropriate
13 sentence in your case, since you're voluntarily pleading
14 guilty, the Court does hereby accept your guilty plea and
15 enters a judgment of guilty on your plea.

16 Now, Ms. Downs, the United States Probation Service will
17 conduct a detailed investigation into your background and to
18 all facts giving rise to the commission of this offense. A
19 detailed written Presentence Report will be prepared. You and
20 your attorney, Mr. Farese, will have access to that report.
21 You may object to any part of the report you feel is not
22 accurate.

23 Hopefully, the probation service will resolve all the
24 objections to the Presentence Report. If they're unable to
25 resolve all the objections or disputes concerning the

1 Presentence Report, I will set the matter down for hearing and
2 will ultimately be responsible for ruling on the objections to
3 the Presentence Report. You'll be sentenced thereafter.

4 Now, do we have any question, Mr. Farese, Mr. Mims?

5 MR. FARESE: No, sir, Your Honor.

6 MR. MIMS: No, sir.

7 THE COURT: Okay. Let's see. Okay. I'm going to
8 set sentencing in this case for December the 29th of this year.
9 Okay. Do you have any questions? Do you need to interview her
10 today?

11 MR. TOLLISON: Yes, sir. We've made arrangements.

12 Thank you, Your Honor.

13 THE COURT: You've made arrangements?

14 MR. TOLLISON: Yes, sir.

15 THE COURT: You going over to Lafayette County?

16 MR. TOLLISON: I believe we're going to interview her
17 upstairs.

18 THE COURT: Okay. Well, you'll need to be
19 interviewed by the probation officer today. After that --
20 well, you're remanded to the custody of the United States
21 Marshal now to await sentencing.

22 MR. FARESE: Thank you, Your Honor.

23 THE COURT: Yes, sir.

24 (THE HEARING ENDED AT 2:40 p.m.)

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CERTIFICATE OF OFFICIAL REPORTER

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4 I, Rita Davis Young, Federal Official Realtime
5 Court Reporter, in and for the United States District Court for
6 the Northern District of Mississippi, do hereby certify that
7 pursuant to Section 753, Title 28, United States Code that the
8 foregoing is a true and correct transcript of the
9 stenographically reported proceedings held in the
10 above-entitled matter; and that the transcript page format is
11 in conformance with the regulations of the Judicial Conference
12 of the United States.

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Dated this 23rd day of January, 2016.

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/s/ Rita Davis Young

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RITA DAVIS YOUNG, FCRR, RPR, CSR #1626
Federal Official Court Reporter

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